

**REMARKS**

Claims 1-36 are pending in the present application. Claims 1, 17, 18, 43 and 35 were amended. Claims 1, 17, 18 and 35 are amended to recite "classifying processes into one of a plurality of process classifications and for each process classification performing the following steps". Support for these amendments may be found at least on page 15, lines 26-30 of the present specification. Claim 34 is amended to correct for antecedent basis. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

**I. 35 U.S.C. § 112, Second Paragraph**

The Office Action rejects claim 34 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. Claim 34 is amended for clarity by providing proper antecedent basis for the terms identified in the Office Action. Therefore the rejection of claim 34 under 35 U.S.C. § 112, second paragraph has been overcome.

**II. 35 U.S.C. § 102, Alleged Anticipation, Claims 1-3, 6, 14-20, 23, 31, 34 and 35**

The Office Action rejects claims 1-3, 6, 14-20, 23, 31, 34 and 35 under 35 U.S.C. § 102(b) as being anticipated by Bhatt et al. (U.S. Patent No. 6,097,399). This rejection is respectfully traversed.

As to claims 1, 17, 18 and 35, the Office Action states:

Bhatt et al., hereinafter Bhatt, discloses a method for displaying resource utilization information for a plurality of resources, comprising the steps of:

determining a time period in which to measure the resource utilization information (the aggregation interval, A<sub>1</sub>, column 7, line 35);  
monitoring the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41); and  
displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource

utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a resource reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

Office Action dated November 6, 2003, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 17, 18 and 35, with regard to similarly recited subject matter, reads as follow:

1. A method for displaying resource utilization information for a plurality of resources, comprising the steps of:
  - classifying processes into one of a plurality of process classifications; and
  - for each process classification, performing the following steps:
    - determining a time period in which to measure the resource utilization information;
    - monitoring the resource utilization information based on the time period; and
    - displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a resource reference level.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. In re Bond, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. In re Lowry, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Bhatt does not identically show each and every feature arranged as they are in the claims. Specifically, Bhatt does not teach classifying processes into one of a plurality of process classifications.

Bhatt is directed to a method for visualizing time-varying data from one or more data streams at a different interval than the interval between acquisition of the individual data items in the data stream. Data received is combined, or aggregated, between updates

of a display to retain some information from each element. The aggregated data is then displayed at the next update of the display in a number of display elements. The characteristics of the display elements, and the organization of the elements represent changes in the data streams.

While the system of Bhatt may determine a time period in which to measure the resource utilization information, monitor the resource utilization information based on the time period and display a result of the monitoring of the resource utilization information, nowhere in any section of Bhatt is it taught to classifying processes into one of a plurality of process classifications prior to performing these steps. The Office Action alleges that these features are taught at column 7, line 35, column 2, lines 40-41 and the section referring to Figure 5B, which reads as follows:

$$A_1 = U_1 * S_r, \text{ (Equ. 1)}$$

Column 7, line 35.

The aggregation may combine data by techniques such as averaging, min/max, critical threshold, or may look for particular combinations of discrete states and transitions between states as a means of detecting crucial conditions.

Column 2, lines 40-43.

Graph 5b shows the same system as FIG. 5a at a different instant in time. If the graph of FIG. 5a is compared to the graph of FIG. 5b, the lighter portion of each bar can be seen to be similar in size, indicating that network overhead time for each processor is constant. Conversely, the application time for each processor experiences significant changes from one graph to the other.

While these details can easily be seen in the snap-shots of the data, if the processor activity moves between these two graphs over some short period of time, for example, every 0.05 second, the user may not be able to detect that the network overhead for processor P2 is constant. This is caused by the fact that when the application bar moves it causes the location of the network overhead portion of each bar to rapidly move between its position in the first graph and the second graph.

By applying aggregation to the graph, for example, by averaging data items, we can increase the length of the display update interval to one second. This will cause the location of the darker bar in each graph to move a significantly smaller amount. This might allow the user more opportunity to detect that the network load for each processor is actually constant. Furthermore, even if the location of the darker bar did not move any less, the user might have more time to detect that the lighter bar's size

remains constant. At this aggregation level, or possibly at an increased aggregation level, an average for application load may also be detected from the graphs.

Of course, it would also be possible to reveal the same data by producing separate graphs or displaying numerical data for the processor loads. However, these methods would require more display space, and would not have the versatility of the displays of FIGS. 5a and 5b, which allow examination of many aspects of the data, using aggregation, without the need to develop new displays.

Column 11, lines 5-39.

In column 7, line 35, Bhatt is describing an aggregation interval that is a result of a speed factor and a display update interval. In column 2, lines 40-41, Bhatt is describing that the aggregation may combine data by looking at states and transitions. In column 11, lines 5-39, Bhatt is describing a graphical representation of the utilization of three processors that are being compared. However, there is nothing in these sections, or any other section of Bhatt, which teaches classifying processes into one of a plurality of process classifications prior to determining a time period in which to measure the resource utilization information, monitoring the resource utilization information based on the time period and displaying a result of the monitoring of the resource utilization information, as recited in at least representative claim 1.

Independent claims 17, 18 and 35 recite similar features in their respective claim terminology. Claims 17 recites the processing unit classifies processes into one of a plurality of process classifications. Claim 18 recites classifying means for classifying processes into one of a plurality of process classifications. Claim 35 recites instructions for classifying processes into one of a plurality of process classifications.

Thus, Bhatt does not teach each and every feature each and every feature of claims 1, 17, 18 and 35 as is required under 35 U.S.C. § 102(b). At least by virtue of their dependency on independent claims 1, 18 and 31, respectively, Bhatt does not teach each and every feature of dependent claims 2-3, 6, 14-16, 19, 20, 23, 31, 34 and 35. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-3, 6, 14-20, 23, 31, 34 and 35 under 35 U.S.C. § 102(b).

Furthermore, Bhatt does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. In fact, Bhatt does not even

classify processes into one of a plurality of process classifications. Absent the Examiner pointing out some teaching or incentive to implement Bhatt to classify processes into one of a plurality of process classifications prior to determining a time period in which to measure the resource utilization information, monitoring the resource utilization information based on the time period and displaying a result of the monitoring of the resource utilization information, one of ordinary skill in the art would not be led to modify Bhatt to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify Bhatt in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

**III. 35 U.S.C. § 103, Alleged Obviousness, Claims 4, 5, 21 and 22**

The Office Action rejects claims 4, 5, 21 and 22 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399) in view of Fisher et al. (U.S. Patent No. 5,440,478). This rejection is respectfully traversed.

Claims 4, 5, 21 and 22 are dependent on claims 1 and 18, respectively, and thus, is distinguished over Bhatt for at least the reasons noted above with regard to claims 1 and 18. Moreover, Fisher does not provide for the deficiencies of Bhatt and thus, any alleged combination of Fisher and Bhatt would not be sufficient to reject independent claims 1 and 18 or claims 4, 5, 21 and 22 by virtue of their dependency. That is, neither Bhatt nor Fisher, either alone or in combination, teaches or suggests classifying processes into one of a plurality of process classifications, as recited in claims 1 and 18, from which claims 4, 5, 21 and 22 depend. Furthermore, there is no suggestion in Bhatt or Fisher as to the desirability to include classifying processes into one of a plurality of process classifications.

In view of the above, Applicants respectfully submit that neither Bhatt nor Fisher, either alone or in combination, teaches or suggests the features of claims 4, 5, 21 and 22. Therefore, claims 4, 5, 21 and 22 are not rendered obvious by the proposed combination

of Bhatt and Fisher. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 4, 5, 21 and 22 under 35 U.S.C. § 103(a).

**IV. 35 U.S.C. § 103, Alleged Obviousness, Claims 7-9 and 24-26**

The Office Action rejects claims 7-9 and 24-26 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399) in view of Rassman et al. (U.S. Patent No. 4,937,743). This rejection is respectfully traversed.

Claims 7-9 and 24-26 are dependent on claims 1 and 18, respectively, and thus, is distinguished over Bhatt for at least the reasons noted above with regard to claims 1 and 18. Moreover, Rassman does not provide for the deficiencies of Bhatt and thus, any alleged combination of Rassman and Bhatt would not be sufficient to reject independent claims 1 and 18 or claims 7-9 and 24-26 by virtue of their dependency. That is, neither Bhatt nor Rassman, either alone or in combination, teaches or suggests classifying processes into one of a plurality of process classifications, as recited in claims 1 and 18, from which claims 7-9 and 24-26 depend. Furthermore, there is no suggestion in Bhatt or Rassman as to the desirability to include classifying processes into one of a plurality of process classifications.

In view of the above, Applicants respectfully submit that neither Bhatt nor Rassman, either alone or in combination, teaches or suggests the features of claims 7-9 and 24-26. Therefore, claims 7-9 and 24-26 are not rendered obvious by the proposed combination of Bhatt and Rassman. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 7-9 and 24-26 under 35 U.S.C. § 103(a).

**V. 35 U.S.C. § 103, Alleged Obviousness, Claims 10, 11, 27 and 28**

The Office Action rejects claims 10, 11, 27 and 28 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399) and Rassman et al. (U.S. Patent No. 4,937,743) and further in view of Rochford et al. (U.S. Patent No. 6,487,604). This rejection is respectfully traversed.

Claims 10, 11, 27 and 28 are dependent on claims 1 and 18, respectively, and thus, is distinguished over Bhatt and Rassman for at least the reasons noted above with regard to claims 1 and 18. Moreover, Rochford does not provide for the deficiencies of Bhatt and Rassman and thus, any alleged combination of Rochford, Rassman and Bhatt would not be sufficient to reject independent claims 1 and 18 or claims 10, 11, 27 and 28 by virtue of their dependency. That is, neither Bhatt, Rassman nor Rochford, either alone or in combination, teaches or suggests classifying processes into one of a plurality of process classifications, as recited in claims 1 and 18, from which claims 10, 11, 27 and 28 depend. Furthermore, there is no suggestion in Bhatt, Rassman or Rochford as to the desirability to include classifying processes into one of a plurality of process classifications.

In view of the above, Applicants respectfully submit that neither Bhatt, Rassman nor Rochford, either alone or in combination, teaches or suggests the features of claims 10, 11, 27 and 28. Therefore, claims 10, 11, 27 and 28 are not rendered obvious by the proposed combination of Bhatt, Rassman and Rochford. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 10, 11, 27 and 28 under 35 U.S.C. § 103(a).

**VI. 35 U.S.C. § 103, Alleged Obviousness, Claims 12, 13, 29, 30 and 36**

The Office Action rejects claims 12, 13, 29, 30 and 36 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399) in view of Haggard et al. (U.S. Patent No. 6,148,335). This rejection is respectfully traversed.

Claims 12, 13, 29, 30 and 36 are dependent on claims 1, 18 and 35, respectively, and thus, is distinguished over Bhatt for at least the reasons noted above with regard to claims 1, 18 and 35. Moreover, Haggard does not provide for the deficiencies of Bhatt and thus, any alleged combination of Haggard and Bhatt would not be sufficient to reject independent claims 1, 18 and 35 or claims 12, 13, 29, 30 and 36 by virtue of their dependency. That is, neither Bhatt nor Haggard, either alone or in combination, teaches or suggests classifying processes into one of a plurality of process classifications, as recited in claims 1, 18 and 35, from which claims 12, 13, 29, 30 and 36 depend.

Furthermore, there is no suggestion in Bhatt or Haggard as to the desirability to include classifying processes into one of a plurality of process classifications.

In view of the above, Applicants respectfully submit that neither Bhatt nor Haggard, either alone or in combination, teaches or suggests the features of claims 12, 13, 29, 30 and 36. Therefore, claims 12, 13, 29, 30 and 36 are not rendered obvious by the proposed combination of Bhatt and Haggard. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 12, 13, 29, 30 and 36 under 35 U.S.C. § 103(a).

**VII. 35 U.S.C. § 103, Alleged Obviousness, Claims 15, 16, 32 and 33**

The Office Action rejects claims 15, 16, 32 and 33 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399) as applied to claim 14 above. This rejection is respectfully traversed.

Claims 15, 16, 32 and 33 are dependent on claims 1 and 18, respectively, and thus, is distinguished over Bhatt for at least the reasons noted above with regard to claims 1 and 18. Moreover, since Bhatt does not teach all of the features of claims 1 and 18 it would not be sufficient to reject independent claims 1 and 18 or claims 15, 16, 32 and 33 by virtue of their dependency. That is Bhatt does not teach classifying processes into one of a plurality of process classifications, as recited in claims 1 and 18, from which claims 15, 16, 32 and 33 depend. Furthermore, there is no suggestion in Bhatt as to the desirability to include classifying processes into one of a plurality of process classifications.

In view of the above, Applicants respectfully submit that Bhatt does not teach or suggest the features of claims 15, 16, 32 and 33. Therefore, claims 15, 16, 32 and 33 are not rendered obvious by Bhatt. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 15, 16, 32 and 33 under 35 U.S.C. § 103(a).



**VIII. Conclusion**

It is respectfully urged that the subject application is patentable over Bhatt, Fisher, Rassman, Rochford and Haggard and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: February 4, 2004

Francis Lammes

Francis Lammes  
Reg. No. P-55,353  
Carstens, Yee & Cahoon, LLP  
P.O. Box 802334  
Dallas, TX 75380  
(972) 367-2001  
Agent for Applicants

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